



Working together  
for livable  
Oregon  
communities

League of Oregon Cities  
Local Government  
Center  
1201 Court St. NE, Ste 200  
Salem, OR 97301

P.O. Box 928  
Salem, OR 97308

(503) 588-6550 or  
1-800-452-0338  
Fax: (503) 399-4863  
E-mail: loc@oricallgov.org

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October 29, 1997

Mr. William Kennard  
Chairman Designee  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

*Ex Parte Letter Re: MM Docket 97-182*

Dear Chairman Kennard:

On behalf of the League of Oregon Cities I am writing to object to FCC adoption of the preceding cases. The League of Oregon Cities is an intergovernmental association of 238 of the state's 240 cities; the largest is over 500,000, the smallest is 25. We submit the following comments on behalf of all of our member cities.

In the 1996 Telecommunications Act, Congress affirmed local zoning authority over cellular towers. It is not appropriate for the FCC to propose rules that will preempt local zoning authority. The courts have ruled that zoning is a local issue and that local government is most accessible to citizens. Despite the frantic pace that has been set for the development of cellular networks and digital broadcast capabilities, the siting of towers – cellular and broadcast – are local decisions which require citizen comment and involvement.

As you consider these proposals and your decisions, please remember:

• **Zoning is a local issue.**

As a matter of practice, most cities in Oregon have involved providers of cellular services when drafting ordinances regulating cellular tower siting. Towers have proliferated, benefitting cellular providers and consumers of cellular services. Cities have worked hard to achieve as much collocation as possible to help deal with citizen opposition to tower sitings. Stunning views of scenic mountains, rivers, and oceans are important issues for Oregon residents. They are as important as having cellular services, and access to digital television signals. It is local governments who are able to balance these needs. We believe that Congress was very specific in the 1996 Telecommunications Act in granting this authority to local governments. We urge you not to act as national experts on local zoning issues.

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• **Citizens must continue to be allowed to advise their local governing bodies.**

Public hearings before city councils provide an opportunity for citizens to comment on many issues which come before the body. It is not appropriate for local governing bodies to be penalized for any or all comments made by citizens. It is a valued right, in Oregon and elsewhere, for a resident of a city to be able to express their opinions and concerns about issues, including radiation emissions, at such public meetings. We do not believe that Congress empowered the FCC to abridge these rights of free speech. We urge you not to adopt rules and make other decisions affecting the rights of all citizens to comment in the public meetings of their local governments.

• **Proposals for local permitting are unreasonable.**

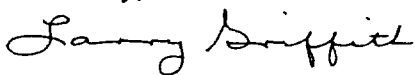
The FCC should not be developing arbitrary timelines for decisions by each and every community in the nation. In Oregon, for example, we have very rigorous, but participatory, zoning decision-making and regulation. The 21 to 45 day time period would not allow compliance with existing local and state requirements for notice to adjoining landowners, hearing requirements, appeal requirements, etc. The FCC would never accept such timelines for decisions that it has to make.

• **Expansion of various telecommunications systems must not preempt citizen input.**

Although we understand the importance of developing the digital television system network and continued siting of cellular towers, proposals to ban regulation and moratoria are not appropriate. In conclusion, the League of Oregon cities objects strongly to proposed docket MM 97-182. It does not appropriately balance the responsibilities and authorities of local governments, on behalf of their residents, with those of new digital television services. We appreciate the issues and needs raised by the National Association of Broadcasters and the Association for Maximum Service, but their proposals are biased and overly broad. They represent an overly pessimistic view of siting regulations and of the responsibilities of local governments to telecommunications consumers as well as providers. We urge you and the other Commissions to take the advice of Local and State Government Advisory Committee on this and other issues affecting local governments.

Proposed rule MM 97-182, to preempt local laws and regulations, is not "necessary or desirable."

Sincerely,



Larry Griffith  
President

cc. Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

cc. [See attached]

## List of Copies

Commissioner Designate Harold Furchtgott-Roth  
1919 M Street, 8th Floor  
Washington, DC 20554

Commissioner Designate Michael Powell  
1919 M Street, 8th Floor  
Washington, DC 20554

Commissioner Designate Gloria Tristani  
1919 M Street, 8th Floor  
Washington, DC 20554

Commissioner Susan Ness  
1919 M Street, 8th Floor  
Washington, DC 20554

Shaun A. Maher, Esq.  
Policy & Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street  
Washington, DC 20554

Mr. Keith Larsen  
Assistant Bureau Chief for Engineering  
Policy & Rules Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street  
Washington, DC 20554

Ms. Susanna Swerling  
Policy & Rules Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street  
Washington, DC 20554

Ms. Rosalind Allen, Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street  
Washington, DC 20554

Mr. Dan Phythyon  
Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street  
Washington, DC 20554

Mr. Roy J. Stewart  
Chief  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street  
Washington, DC 20554

Ms. Barrie Tabin  
Legislative Counsel  
National League of Cities  
1301 Pennsylvania Ave, NW  
6th Floor  
Washington, DC 20004

Ms. Eileen Huggard  
Executive Director, NATOA  
1650 Tysons Boulevard, Suite 200  
McLean, VA 22102-3915

Mr. Robert Fogel  
Associate Legislative Director  
National Association of Counties  
440 First Street, NW, 8th Floor  
Washington, DC 20001

Mr. Kevin McCarty  
Assistant Executive Director  
U.S. Conference of Mayors  
1620 Eye Street, 4th Floor  
Washington, DC 20006

Ms. Cheryl Maynard  
Government Affairs Coordinator  
American Planning Association  
1776 Massachusetts Ave. NW, 4th Floor  
Washington, DC 20036